

From: davidfgould@msn.com
Sent: Thursday, April 06, 2006 3:25 PM
To: Benham, Katherine
Cc: kstroh@ics-intl.com%inter2
Subject: comments on 205.605@(9) from International Certification Services

Attachments: ATTACHMENT.TXT; NOSB flavors and colors.doc

Dear Ms. Benham,

Attached and pasted below are the comments of International Certification Services pursuant to the NOSB's recommendation regarding the inclusion on 7 CFR 205.605(a)(9) of nonsynthetic colors and flavors.

We are pleased to be able to contribute these comments and stay available to assist further.

Kind regards,
David Gould, for the
International Certification Services, Inc.
Certification Committee

International Certification Services, Inc.

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*Corporate Headquarters in Rural North Dakota
Operating the FVO Organic Certification Program
The FVO Program is accredited by IFOAM, Conseil des appellations agroalimentaires du Québec (CAAQ), and (USDA) ISO 65*

6 April, 2006

National Organic Standards Board
c/o Katherine Benham
Katherine.Benham@usda.gov

Re: NOSB Item for Public Comment – NOSB recommendation to continue to list on 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups).

Dear Ms. Benham,

International Certification Services, Inc. (ICS) hereby offers our response to the NOSB solicitation for comments on its recommendation regarding the continuance of listing of nonsynthetic flavors and colors in 7 CFR 205.605.

We strongly disagree with the NOSB's recommendation, and urge the deletion of nonsynthetic flavors and colors from this section of the NOP rule. Our rationale is simple: virtually all such materials that might be used by a handler and that would fit under the current 205.605 listing can also be made as certified organic ingredients. In fact many already are commercially available as such. ICS already certifies five different entities for the manufacturing of such flavors, and we are in receipt of at least three new applications. We are aware of several other operators who are certified to produce such ingredients organically, certified by other USDA accredited certifying agents. Many of our certified

handlers and processors already use these ingredients in their product formulations sold under the NOP. The technology and formulation techniques employed by our certified clients for flavors are in many cases readily utilizable for the production of colors as well.

All of the substrate materials that might be included in 205.605(a)(9) are by definition derived from agricultural materials, and the flavor and color products derived from them are manufactured using physical/mechanical extraction processes that do not result in chemical changes, and/or involve chemical changes that are biologically induced. By extension, the final products (i.e., the color or flavor) should also be regarded as an agricultural product. As such, these products should, if they are included at all on the National List, be included in section 205.606. A listing on 205.606 would allow processors to continue to use nonsynthetic colors and flavors that were not commercially available until such materials were indeed commercially available, but at the same time would promote the continued expansion of organic ingredients available for use by certified organic operations.

Conversely, allowing such materials to continue to be listed on 205.605 is a disincentive for producers of such ingredients and users of them to use them in certified organic form. This is in and of itself inconsistent with principles of organic production. If they continue to be listed on 205.605(a) at all, we respectfully suggest that the allowance be limited by an annotation stating they may only be used for products labeled as “made with organic <ingredients>.” This option would still encourage the development and marketing of organically produced flavors and colors and would allow certain manufacturers to still include non-organic nonsynthetic flavors and colors in certain formulations that contain organic ingredients.

In conclusion, we respectfully urge the NOSB to move that the allowance for nonsynthetic colors and flavors be discontinued, and that the category be move to section 205.606.

We stay available to assist further on this important topic.

Sincerely,

David Gould, for the
Certification Committee
International Certification Services, Inc.